

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA

IN RE: FACEBOOK, INC. CONSUMER
PRIVACY USER PROFILE LITIGATION

ROBERT ZIMMERMAN and UXOR
PRESS

Plaintiffs,

v.

FACEBOOK, INC., et al.,
Defendants.

MDL No. 2843

Case Nos. 18-md-02843-VC, 19-cv-
04591-VC

**PRETRIAL ORDER NO. 34:
CONSOLIDATING ZIMMERMAN**

The Court has received a letter from plaintiff Robert Zimmerman responding to Pretrial Order No. 29. *See* Dkt. 339, 346, Case No. 3:18-md-02843-VC. Zimmerman states that plaintiffs Zimmerman and Uxor Press “wish to consolidate their privacy violation claims into the MDL in accord [with] the Court’s previous Orders regarding the Facebook MDL proceeding, and the terms and conditions set out in the Transcript of the Case Management Conference held in November 2019 and the caveats accorded Ms. Hassam [sic] and wish to proceed with my other claims against the Facebook defendants as a pro se.”

The Court interprets this statement as a request to consolidate Zimmerman’s case into the MDL, which is what has happened with the *Hassan* case. The request is granted. To the extent Zimmerman seeks to pursue his non-MDL related claims at this time, that request is denied: the MDL is currently focused only on the prioritized claims, and Zimmerman’s additional claims are among the non-prioritized claims which are stayed. *See* Pretrial Order No. 12.

If the Court has misunderstood Zimmerman’s choice, Zimmerman must file a letter

within 30 days of this order clearly stating that he voluntarily dismisses without prejudice all his privacy-related claims against Facebook and wishes to proceed now with his other, non-MDL-related claims. Again, as stated in this Court's prior order, Zimmerman may not pursue his additional claims at this time unless he dismisses his privacy-related claims and ends any further direct involvement with the MDL. (Like many Facebook users, he may possibly still benefit from the MDL if a class is ultimately certified in that proceeding.)

In response to Zimmerman's questions:

- Zimmerman is not entitled at this time to receive all requests for and answer to discovery propounded by lead counsel for plaintiffs. *See* Pretrial Order No. 8.
- Zimmerman does not need a letter of representation from lead counsel.
- No further actions are required regarding Zimmerman's complaint at this time.
- Like all other plaintiffs in the MDL other than co-lead counsel, Zimmerman may not conduct any discovery at this time.

IT IS SO ORDERED.

Dated: January 8, 2020



VINCE CHHABRIA
United States District Judge